

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33199

STATE OF IDAHO,)	2008 Unpublished Opinion No. 655
)	
Plaintiff-Respondent,)	Filed: September 24, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
AARON BARSHAI WELLS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John R. Stegner, District Judge.

Judgment of conviction, withheld judgment and placement on probation, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Aaron Barshai Wells was called to testify under oath before a grand jury seeking to indict his two older brothers on first degree murder charges. Wells was later indicted by a grand jury on three counts of perjury and one count of accessory to first degree murder. Prior to trial, the state agreed to dismiss one count of perjury and the accessory charge. Wells was found guilty by a jury of two counts of perjury, I.C. §§ 18-5401, 18-5409. The district court withheld judgment and placed Wells on probation for four years for each count, with the terms to run consecutively. Wells appeals, contending that the district court abused its discretion by imposing an excessive term of probation.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its

discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Wells' withheld judgment and term of probation are affirmed.